

LAW ENFORCEMENT PROFESSIONAL STANDARDS SUBCOMMITTEE
Professional Development Center
West Virginia State Police Academy
Dunbar, West Virginia

September 28, 2017

MEMBERS PRESENT:

Sheriff Steve Stephens
Sheriff Sonya M. Porter
Mayor John Manchester
Mr. Jonathan Adler

MEMBERS REPRESENTED:

Colonel Jan Cahill by
Captain David Lee
Colonel Jerry Jenkins by
Lieutenant Warren Goodson
Chief Joseph Martin by
Chief Brad Rinehart
Retired Chief Steve Walker by
Retired Corporal Dave Gentry
Ms. MaryKaye Jacquet by
Retired Sergeant J. L. Johnson

MEMBERS ABSENT:

First Lieutenant James Lee
Retired Lieutenant Terry Miller

STAFF:

Retired Captain Chuck Sadler
Ms. Alicia Holman
Ms. Judy Strickland
Ms. Celeste Webb-Barber

The September 28, 2017 meeting of the Law Enforcement Professional Standards (LEPS) Subcommittee was called to order at 9:05 a.m. by the Chair, Sheriff Stephens. There were eight (8) members either present or represented which represents a quorum of the Subcommittee membership, at the start of the meeting and throughout the meeting. Sheriff Porter arrived at 9:17 a.m. and remained through the balance of the meeting.

The following actions were taken during this meeting in reference to the agenda items scheduled:

1. Agenda Item 1 – Motion made, Captain Lee, seconded, Chief Rinehart that the minutes from the September 7, 2017 meeting be approved as presented. The September 7th meeting was held in place of the Thursday, August 31st meeting due to a quorum not being available to hold the previously scheduled regular meeting on the 31st. The motion was approved unanimously without any discussion and no negative votes cast.
2. Agenda Item 2 – Retired Captain Sadler informed the Subcommittee that there would not be a current financial report/update as the LEPS Fund Report covering period through end of August 2017 was addressed during the September 7, 2017 meeting. With the way that the DJCS accounting staff makes entries to various fund reports they are generated at the first of each month. No action required as such, presented for informational purposes.
3. Agenda Item 3 – Motion made, Captain Lee, seconded, Retired Sergeant Johnson, for the approval of applications of individuals listed as certified law enforcement instructors in the areas of expertise listed. The motion was approved unanimously without any discussion and no negative votes cast.
4. Agenda Item 4 – Consideration of applications for additional areas of expertise to be approved for previously certified law instructors. None presented, no action required as such.
5. Agenda Item 5A – Motion made, Captain Lee, seconded, Retired Sergeant Johnson, that the classes listed in the agenda packet be approved for annual in-service credit for the 2018 Training Year period that ends June 30, 2018. The motion was approved unanimously without any discussion and no negative votes cast.
6. Agenda Item 5B – Motion made, Captain Lee, seconded, Retired Sergeant Johnson, that the classes listed in the agenda packet be approved for supervisory in-service credit for the 2018 Training Year period that ends June 30, 2018. The motion was approved unanimously without any discussion and no negative votes cast.

7. Agenda Item 5C – Motion made, Captain Lee, seconded, Retired Sergeant Johnson, that the classes listed in the agenda packet be approved for personal in-service credit for the 2018 Training Year period that ends June 30, 2018. The motion was approved unanimously without any questions and no negative votes cast.
8. Agenda Item 5D- Motion made, Captain Lee, seconded, Retired Sergeant Johnson, that the classes listed in the agenda packet be approved for instructor level in-service credit for the 2018 Training Year period that ends June 30, 2018. The motion was approved unanimously without any questions and no negative votes cast.
9. At the indication of the Chair, Sheriff Stephens that there were personnel related matters to be discussed under Agenda Items 9 through 15, there was a motion made by Captain Lee, seconded, Retired Corporal Gentry, to go into executive session. No discussion concerning the motion which was approved unanimously with no negative votes cast. The Subcommittee went into executive session at 9:14 a.m. As noted in the opening paragraph of these minutes Sheriff Porter arrived at 9:17 a.m. during this executive session. Motion made, Captain Lee, seconded, Retired Sergeant Johnson, to come out of executive session. Approved unanimously without discussion without questions and no negative votes cast. The Subcommittee came out of executive session at 9:32 a.m., no action having been taken during the executive session on any of the items discussed. The Chair then moved to address, as necessary, the agenda items that had been discussed while in executive session.
10. Agenda item 6 – Order to Stop Working. None presented, no action required as such.
11. Agenda Item 7. Criminal Conviction Record as to applicant for the Entry Level Training Program. None presented, no action required as such.
12. Agenda Item 8 – Request to attend the Entry Level Training Program as a Private Citizen or be approved to be employed once again as a sworn officer following a departure from the entry level training program. None presented, no action required as such
13. Agenda Item 9.A. – Officer #1 – Update concerning former officer's appeal to Ohio County Circuit Court of the upholding of the revocation of his certification as a West Virginia law enforcement officer presented by Ms. Webb-Barber and Retired Captain Sadler. Presented for informational purposes. No action required.
14. Agenda Item 9.B. – Officer #2 – Ms. Webb-Barber and Retired Captain Sadler provided an update on the overturning of the revocation of this former officer's

certification as a West Virginia law enforcement officer by a Raleigh County Circuit Court judge. As the members have been previously informed an appeal has been filed on behalf of the Subcommittee and the GCCDC with the West Virginia Supreme Court of this judge's decision and a stay has been filed in Raleigh County to delay the actions listed in the order. Ms. Webb-Barber has filed required paperwork with the Supreme Court as to our position on appeal. Officer's attorney will file required paperwork with court. Unknown at this time if judges will review on basis of paperwork submitted or set for oral arguments. Presented for informational purposes. No action required.

15. Agenda Item 9.C.– Officer #3 – Criminal conviction certification related review. This officer had plead guilty to a charge of domestic battery in Cabell County Magistrate Court. The purpose of this review was to determine if action is to be taken concerning the status of the officer's certification as a West Virginia law enforcement officer because of this plea. Motion made, Captain Lee, seconded, Chief Rinehart, that this officer's certification be revoked because of the actions which had resulted in a guilty plea to a domestic battery related charge. The motion passed unanimously without any questions and no negative votes.
16. Agenda Item 9.D.– Officer #4 – Criminal conviction certification related review. This officer had plead guilty of a DUI and operating a vehicle without required financial responsibility in Pennsylvania. Motion made Chief Rinehart, seconded Retired Sergeant Johnson, that this officer's certification be revoked because of the actions which had resulted the guilty plea of the DUI and additional charges. The motion passed unanimously without any questions and no negative votes.
17. Agenda Item 9.E. – Officer #5 – Criminal conviction certification related review. This officer had plead guilty to a charge of 3rd degree sexual assault and distribution and display of obscene matter to a minor. Motion made, Captain Lee, seconded Chief Rinehart, that this officer's certification be revoked because of the actions which resulted in the guilty plea. The motion passed unanimously without any questions and no negative votes.
18. Agenda Item 9.F. – Officer #6 – Criminal conviction certification related review. This officer had entered a no contest plea in Kanawha County Magistrate Court of violation of a protective order. Motion made, Captain Lee, seconded Sheriff Porter, that this officer's certification be revoked because of the actions which resulted in his plea. The motion passed unanimously without any questions and no negative votes.
19. Agenda Item 10. A. – Chair Sheriff Stephens asked if there was a motion to be made concerning the temporary reactivation status of the officers listed. Motion made, Chief Rinehart, seconded, Retired Corporal Gentry, to approve

the full reactivation of the law enforcement certification of the eight (8) law enforcement officers listed in the agenda packet. The motion was approved unanimously without any discussion and no negative votes cast.

20. Agenda Item 10.B – Officer #1 – An update on this officer was provided by Retired Captain Sadler who informed the members that the document they requested at the May 25, 2017 meeting has been submitted and it is consistent with what the officer advised. Based on prior direction of the Subcommittee, this officer has been approved to attend the 173rd Basic Class that begins January 8, 2018. Presented for informational purposes. No action required.
21. Agenda Item 11 – Former officer who had been separated from working as an officer here in West Virginia for more than sixty (60) months. Officer interested in bringing certification current, however, he needs to appear before the Subcommittee to determine if he would be eligible to attend the three-week Academy in September 2018 or the full Academy. Retired Captain Sadler suggested that this Agenda Item be tabled until correspondence has been sent to this officer and he has had time to respond. Consensus agreement by those present to so table this matter.
22. Agenda Item 12 – Equivalent Certification program review where one officer is questioning the equivalent certification of an officer who has employment issues from a prior state. Retired Captain Sadler informed the officer that the information in question does not fall under the oversight/authority of the Subcommittee or the LEPS Program. Presented for information purposes. No action required.
23. Agenda Item 13 – Review of officer's ability to enter and complete the entry level training program. None presented. No action required.
24. Agenda Item 14 – Retired Captain Sadler provided an update on an officer requesting accommodations relating to attendance in the entry level training program. This former officer had requested such an accommodation and was subsequently denied during prior Subcommittee meetings. A legal action concerning this decision has been filed in Mingo County Circuit Court by the former officer. Applicable response is being prepared concerning that filing. Presented for informational purposes. No action required.
25. Agenda Item 15 — FOIA requests and responses – One FOIA had been received and responded to. Retired Captain Sadler discussed what had been requested and the response provided. Provided for informational purposes to the members. No action required.
26. Agenda Item 16 – Ms. Webb-Barber provided an update on the action taken on the Fairmont State University Regional Academy during the September 21, 2017 full Governor's Committee on Crime, Delinquency and Correction

meeting. As a result of action taken during that meeting no further discussion/action required at this time by LEPS Subcommittee members as to the FSU regional academy request. Presented for informational purposes, no action required.

- 27. Agenda Item 17 – Retired Captain Sadler provided an update on Legislative rule filings for 149-2 and 149-3 for the 2018 Legislative Session. Provided for information purposes. No action required.
- 28. Agenda Item 18 – The LEPS Subcommittee meeting schedule for calendar year 2018 was provided the members. No action required.
- 29. Agenda Item 19 – The West Virginia State Police Academy staff provided a list of officer resignations from the 172nd Basic Class. No action required.
- 30. Agenda Item 20 – Sheriff Stephens noted that the next LEPS Subcommittee meeting is scheduled for Thursday, October 26, 2017 at 9:00 a.m. at the PDC.

There being no further agenda items set for discussion a motion was made by Captain Lee, seconded, Retired Sergeant Johnson, to adjourn this meeting. The motion passed unanimously without questions and no negative votes cast. Meeting adjourned at 9:38 a.m.